THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO.4492 of 1991

21st September 2005

Between:

M.Rajagopala Rao, S/o.Sri Chellaiah, 58 years, Principal, R.V.V.N.College, Dharanikota, Amaravathi, Guntur District.

...PETITIONER

AND

1. State of A.P., rep.by its Secretary, Education dept., Secretariat, Hyderabad and 3 others.

...RESPONDENTS

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO.4492 OF 1991

ORDER:

This Writ Petition is filed by the petitioner seeking a direction in the nature of mandamus declaring that the action of the fourth respondent in seeking to retire the petitioner on his attaining the age of 58 years on 31.03.1991 as illegal and arbitrary and opposed to the decision of this Court and to further declare that the petitioner is entitled to continue in service till he attains 60 years of age with salary increments and other benefits.

The learned counsel for the petitioner submitted that by virtue of the interim orders passed by this Court in W.P.M.P.No.21869 of 1995 on 10..03.1998, the petitioner continued in service till he completed 60 years and it is not known whether he received the salary for the said period of two years.

In the light of the submissions made by the learned counsel for the petitioner, there is no lis to be decided in this Writ Petition since the petitioner worked for a period of two years on the basis of the interim orders passed by this Court.

The fourth respondent is directed to verify the record whether the petitioner was paid the salary for the work he did after crossing 58 years and if any salary is due to him for the said period, it shall be worked out and be paid to the petitioner at an early date. If salary is not due no action need be taken. In the event of the fourth respondent finding that any salary is due to the petitioner, the fourth respondent may address respondent Nos.1 to 3 for the aid, if any, due to be released for payment of such salary to the petitioner.

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(DR G.YETHIRAJULU, J)

21st September 2005

RRB

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